

This meeting was originally scheduled for Tuesday, January 16, 2024 but was postponed due to snow.

EXECUTIVE SESSION AND WORK SESSION – JANUARY 18, 2024

EXECUTIVE SESSION – January 18, 2024

Mayor Martinez called the Executive Session to order at 3:03 p.m.

On a motion duly made by Councilmember T. Burnett and seconded by Councilmember S. McIntire, the Mayor and City Council unanimously agreed by voice vote of all members present for the vote to meet in closed session to consider the acquisition of real property for a public purpose and matters directly related thereto; (#3) (Section 3-305(b)), and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (#4) (Section 3-305(b)), on Thursday, January 18, 2024 at 3:03 p.m. in the Council Chamber, 2nd floor, City Hall, Hagerstown, Maryland. Councilmember K. B. Aleshire and Councilmember P. E. Perini, Sr. were not present for the vote.

Participating with Mayor Martinez were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, P. E. Perini, Sr., and M. J. Schindler, City Administrator Scott Nicewarner, City Attorney Jason Morton, Michelle Hepburn, Chief Financial Officer, Jim Bender, City Engineer, Jill Thompson, Director of Community and Economic Development, Fire Chief John DiBacco, Adam Hopkins, Deputy Fire Chief, Dan Myers, Captain, Chris Siemerling, Economic Development Specialist, Doug Reaser, Economic Development Manager, Amanda Greg, Business and Community Development Finance Specialist, Stephen Bockmiller, Zoning Administrator, Joanna Wu, Planner, and City Clerk Donna K. Spickler.

Councilmember Aleshire arrived at 3:08 p.m. and participated in the discussion. Councilmember Perini recused himself from the consideration of acquisition of real property prior to the meeting and did not attend the Executive Session until that discussion was completed.

The meeting was held to discuss acquisition of property for the administrative operations of the Hagerstown Fire Department and to provide an update of the status of a continuing project. No formal action was taken at the meeting. On a motion duly made, seconded, and passed, the meeting was adjourned at 3:58 p.m.

WORK SESSION – January 18, 2024

Mayor T. Martinez called this Work Session of the Mayor and City Council to order at 4:06 p.m., Thursday, January 18, 2024, in the Council Chamber at City Hall. Participating with the Mayor were Councilmembers K. B. Aleshire, T. Burnett, S. McIntire, P. E. Perini, Sr., and M. J. Schindler, City Administrator Scott A. Nicewarner, and City Clerk D. K. Spickler.

Preliminary Agenda Review

Mayor Martinez announced that Citizen Comments for the January 30, 2024 Regular Session will be welcome either in person or by submitting comments by email to [councilcomments@hagerstownmd.org](mailto:councilcomments@hagerstownmd.org) by 5:00 p.m. that day. If by email, the submitter's name, address, and a summary of the comments will be announced during the Citizen Comments portion of the meeting. The email will not be read in its entirety, but it will be included in the public record for the meeting and may be viewed by the public at any time.

**Consent Agenda**

A. Engineering:

1. Change Order: Pavement Preservation Program – Craig Paving, Inc. (Hagerstown, MD) \$ 167,254.00

B. Fire:

1. Supplied Air Breathing Apparatus – Municipal Emergency Services (Minneapolis, MN) \$ 54,225.04
2. Low Pressure Pneumatic Lifting Bags – Fire & Rescue Products (Harrisburg, PA) \$ 15,963.00
3. Annual Uniform Purchase – BJ's Custom Creations (Hagerstown, MD) \$ 39,000.00

C. Police:

1. Qualtrax Annual Subscription – Qualtrax (Blacksburg, VA) \$ 10,831.52
2. 2023 Ford Explorer – Keystone Ford (Chambersburg, PA) \$ 48,500.00

D. Public Works:

1. City Park Concession Stand Lease Forgiveness \$ 5,000.00

E. Utilities:

1. Light 0 2024 Chevrolet Colorado Crew Cab 4x4 Vehicle Replacement, Unit 137 – Criswell Automotive Fleet Sales (Gaithersburg, MD) \$ 38,600.00
2. Water – Sodium Bisulfite – George S. Coyne Chemical Co., Inc. (Croydon, PA) \$ 2,837.40
3. Water – High Service Pump Repair – AR&E, Inc. (Hagerstown, MD) \$ 41,070.94
4. Water – iFix SCADA Upgrade – AutomaTech Inc. (Plymouth, MA) \$ 48,280.44
5. Water – Hydraulic Breaker – James River Equipment (Stephenson, VA) \$ 16,866.01
6. Water – Sensus iPerl Water Meters – LB Water Service, Inc. (Chambersburg, PA) \$ 96,192.00
7. Water: Replace Vehicle Unit 261 – Keystone Ford (Chambersburg, PA) \$ 32,000.00
8. FY24/25 Wastewater Chemical Purchases – Various Vendors \$ 770,358.80

9. Wastewater Conceptual Design: Wastewater Treatment Plant Upgrade - Black & Veatch (Gaithersburg, MD) \$ 250,000.00
10. Wastewater – Replace Truck 526 – Keystone Ford (Chambersburg, PA) \$ 100,200.00
11. Wastewater – Replace Generator for Pump Station 11 Wood Point – Fidelity Power Systems (Sparks, MD) \$ 40,962.50
12. Wastewater – Bauer Bevel Gearbox and Expedite Fee - AR&E, Inc. (Hagerstown, MD) \$ 14,032.03
13. Wastewater – Local Limits Analytical Services – ALS Group USA Corp (Middletown, PA) \$ 36,897.00

The Mayor announced the purchase of Axon Enterprise unlimited 3<sup>rd</sup> party storage will be added to the Consent Agenda for approval on January 30, 2024.

Councilmember Perini asked that the Public Works item - City Park Concession Stand Lease Forgiveness be moved to New Business for the January 30, 2024 Regular Session.

#### Public Resources Organizing to End Crime Together (P.R.O.T.E.C.T.) Program

Chief Paul “Joey” Kifer was present to discuss approval of a Memorandum of Understanding (MOU) for the purpose of establishing and implementing the legislatively mandated “End the Violence” Public Resources Organizing to End Crime Together Program (P.R.O.T.E.C.T.) program with the Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS). This program is intended to maximize the use of State, local, and community resources to combat neighborhood decline throughout the State, support comprehensive strategies to reduce crime and fear in those communities, and ensure that local law enforcement are utilized in direct public safety roles.

The program will be administered by a P.R.O.T.E.C.T. Coordinator (PC), a full-time state employee, who will be assigned to the Hagerstown Police Department to oversee the program, at no cost to Hagerstown.

Councilmember McIntire wondered how this initiative will interact with ENVY and if there would be collaboration between the two initiatives. Chief Kifer stated the PROTECT representative will take direction from him and will focus on areas of significant crime. Both groups will work together.

Councilmember Aleshire noted it may not be typical for the State to retain ownership of the employee’s role with work and responsibility while being under another agency’s direction. Chief Kifer stated he believes the legislation intended to retain some control over the program and placed it under the jurisdiction’s oversight, without randomly placing people around the State. It may transition to jurisdictional hiring in the future.

Councilmember Aleshire stated his experience in working with the State, such as with the State Highway Administration, is they say the road is the City’s and then determine

the parameters of a project with that road. He asked if PROTECT is to be a partnership or oversight of the operation.

Chief Kifer stated the State will be relying on the agencies and service groups to guide them on how they can help. The MOU provides tracking progress with reporting. The State will be assisting the Hagerstown Police Department.

Councilmember Aleshire does not want the City police department to be the reporting agency for statistical reporting. Chief Kifer sees it more as anecdotal work. The HPD was notified this program was being put in place and that the State would be hiring the personnel. Captain Langston sat in on the interviews. He does not have any significant concerns about the mandated program.

Councilmember Perini stated there are 9 counties and Baltimore City listed as target areas for this program. He asked if the Washington County Sheriff's Department is also participating or if this MOU with HPD is the position for Washington County. Chief Kifer stated the position with HPD is Washington County's position. He stated he knows these issues are not limited to a small geographical area. If attention is needed in other towns, HPD would work with them. The need is more concentrated in Hagerstown.

Councilmember Schindler hopes this will be a helping hand for the police department. Chief Kifer stated the process is unique, but they will figure it out.

It was the general consensus to move forward with approving the MOU as requested.

#### Annexation of Building One at 55 Oak Ridge Drive

Joanna Wu, Planner, was present to discuss the annexation of Building One at 55 West Oak Ridge Drive.

The property owned by JDA Hagerstown Industrial Properties, LLC located at 55 West Oak Ridge Drive entered into an annexation agreement with the City on March 22, 2022. The agreement allows the redevelopment to be served by City water and wastewater but requires that the annexation process be delayed so that the annexation process for Building One would not start until the property owner's receipt of a final, unconditional U&O or after December 31, 2023, whichever occurs first. The agreement for Building Two requires annexation not to start until final unconditional U&O or after December 31, 2024 whichever occurs first. The City agreed to these delayed starts for annexation at the developer's request in 2022 to accommodate their speculative building model. In addition, the City helped gain approval of expansion of the Enterprise zone to this tract as requested by the developer to help secure it for this site because annexation would be pending. As a result, the local share of property tax revenue from the increased assessment arising from the development will be reduced to ten years.

As provided for in the annexation agreement, the City is proposing to move forward with annexation of the Building One lot as of January 2024 with the intended effective date being mid-June. Building One is constructed in shell condition. With this start

timeframe for annexation, the property would be included on the July 1, 2024 tax bill for the City. Prior to redevelopment the entire property was assessed at \$ 13,881,400 in 2021. In its current condition, Building One is assessed at \$ 87,454,200 for the July 1, 2024 tax year.

On January 2, 2024, the property owner requested that the City delay the effective date of this annexation another six months. If the annexation was delayed further as required, the effective date of the annexation would stretch out to late October rather than mid-June. As a result, another tax year would be missed for the City of Hagerstown and this development. The soonest the lot would be on the City tax rolls would be for the July 1, 2025 tax year. City staff recommend the City hold to the terms of the 2022 annexation agreement and begin implementation of the annexation process with the standard 45-day effective period following approval.

The current County zoning for the property is Highway Interchange (HI). As proposed in the annexation agreement, the City zoning would be Industrial-Mixed Use (I-MU), a comparable City zoning classification to the current designation, which allows for warehousing. The Planning Commission is reviewing the appropriateness of the requested zoning at their January 10, 2024 meeting.

The area of the property is +/- 74 acres. It is within the City's Medium Range Growth Area (MRGA), County's Urban Growth Area (UGA), and State's Priority Funding Area (PFA). Wastewater and Water will be provided by the City upon development. Electricity is provided by Potomac Edison. Maintenance of the right of ways will remain the same. The property is valued at \$ 87.45 million as of July 1, 2024 (State Department of Assessments and Taxation).

Councilmember Aleshire stated he has tepid interest at best to consider the extension. The original request for a delay of annexation was reasonable as the building was not being constructed as quickly as intended due to delays because of weather and other things. He does not consider lack of a tenant a reason for delaying annexation further.

It was the general consensus of the Mayor and City Council to move forward with the annexation as originally intended. The request for further delay will not be approved.

#### Annexation of I-70 Right of Way at 18320 Col. Henry K. Douglas Drive and Col. Henry K. Douglas Drive Right of Way

Joanna Wu, Planner, and Stephen Bockmiller, Zoning Administrator, were present to discuss the annexation of two state properties on Col. Henry K. Douglas Drive and two pieces of right-of-way of I-70 and Col. Henry K. Douglas Drive.

Following the annexation of Building One on 55 West Oak Ridge Drive, the City is also initiating the annexation of two properties: 18306 Col. Henry K. Douglas Drive (Motor Vehicle Administration) and 18320 Col. Henry K. Douglas Drive (State Highway Administration). This annexation will also include a section of I-70 and a small portion of Col. Henry K. Douglas Drive, so that it is contiguous to the City.

The current County zoning for these properties is Highway Interchange (HI). Staff proposes providing Commercial Regional (CR) zoning, a comparable City zoning classification to the current designation and allows for the existing uses of the land.

This annexation is consistent with the City's comprehensive plan, vision Hagerstown 2035, as it will allow the City to reach pre-annexation agreements in the Sharpsburg Pike area and thus expand the municipal tax base through annexation of properties served by City water.

The property is within the City's MRGA, County's UGA, and State's PFA. No changes to water and wastewater services are proposed. Electric is provided by Potomac Edison. There is no significant impact on emergency services expected. There is no change to the current ownership or service for roads proposed since the I-70 and Col. Henry K. Douglas Drive rights-of-way are maintained by the State.

The Planning Commission reviewed the annexation plan at the meeting on January 10, 2024 and recommend the proposed CR zoning.

Staff recommends moving forward with the annexation and schedule approval of the annexation plan and introduction of the annexation resolution for the January 30, 2024 Regular Session.

Councilmember Aleshire recalled when the YMCA on Eastern Boulevard was annexed, it was done concurrently with the property where Lowe's is now located. Scheduling annexation of properties that are not contiguous until a first annexation is complete creates the possibility of someone contesting annexation of the property that is becoming contiguous. He suggested delaying the effective date of this annexation for 45 days beyond the annexation of Building One at 55 W. Oak Ridge Drive.

Councilmember Perini asked if any of the properties in this annexation have pre-annexation agreements. Councilmember Aleshire stated these properties were served by City utilities prior to there being pre-annexation agreement requirements.

Mr. Bockmiller asked if there is the same concern for the Oak Ridge Property annexation. Councilmember Aleshire stated he does not have the same concern for that annexation since they asked for an extension.

It was the general consensus to schedule acceptance of the annexation plan and introduction of an annexation for January 30, 2024.

#### Project Update and Deadlines at 51-53 W. Washington Street – Blackthorn Capitol Partners, LP

Chris Siemerling, Economic Development Specialist, was present to provide a status update on the Invest Hagerstown redevelopment project located at 51-53 W. Washington Street. The City approved an Invest Hagerstown City Center Grant of up to \$ 250,000 for

the redevelopment of the property to create 15 fully renovated one-bedroom, 6 two-bedroom residential apartments, and the shell space for 1-2 first-floor commercial businesses.

The original application was approved on October 26, 2021, with the project completion date of during the fourth quarter of 2022. Two expansions have been granted since that time and the owners are requesting a third extension until April 30, 2024.

The Review Committee seeks the Mayor and City Council's decision on the approval of a third and final extension request of April 30, 2024 for the City-Center Redevelopment Grant. This will be consistent with prior Review Committee and Mayor and City Council extensions for the Invest Hagerstown programs. Mr. Siemerling stated more progress has been made since the last time the project was reviewed with the Mayor and City Council.

It was the general consensus to grant the requested extension. Formal approval of the extension will be scheduled for January 30, 2024.

Request for Extension to Water/Wastewater Approval - Patton Hagerstown, LLC

Nancy Hausrath, Director of Utilities, and Doug Reaser, Economic Development Manager, were present to review the request for an extension to an approval for an exception to the City's Water and Wastewater Policy as a vital economic development project or an economic development project located in the targeted economic development area at the airport, as delineated in the County's 2002 Comprehensive Plan (Exception #6).

The approval was first granted to Taylor Bowen on April 27, 2021, and renewed on September 27, 2022 with an expiration date of December 27, 2023. The property has since been sold from Taylor Bowen to Patton Hagerstown, LLC and a pre-annexation agreement has been recorded. On December 19, 2023, Mayor and Council approved a revision to the Water and Wastewater Policy that allows the transfer of the water and/or wastewater approval if the development remains substantially the same. Patton has submitted a timely extension request with estimated water allocation, capital investment, and the intended use of the property remaining the same for the initial concept submitted in April of 2021. There are small changes to jobs being created and the potential for electric vehicle charging systems. Patton is requesting an additional 12-month extension, or December 27, 2024, to complete the required steps to develop the site.

The developer is Patton Hagerstown, LLC and the project is an industrial warehouse. The project is located at the Airport Business Park, 14735 Citicorp Drive, Hagerstown, Maryland and is approximately 16 acres in size. The investment is anticipated to be \$ 8 – 10 million. It is anticipated that 12-30 jobs will be created. The anticipated water usage is 400 gallons per day based on similar warehouses. The initial site plan as a graded lot is currently with the County. Expected submission of the Phase II site plan includes a 150,000 square foot industrial building to begin shortly thereafter.

As the Community and Economic Development and the Utilities Department, staff recognize that Water Services are available to the parcels and support the consideration of the Mayor and City Council exception being requested for this economic development project.

Councilmember Perini asked if this would have a negative impact on the water system. Mr. Reaser stated it will not and the motion to approve the extension will indicate it is for water service only.

Ms. Hausrath stated there would not be a noticeable draw on the water line. If the project requires additional allocation, the owners must make a formal request to the City of Hagerstown.

Councilmember Aleshire stated it is important to note that the City adjusted the Water and Wastewater Policy to accommodate these instances for development on the City's utility services that are well outside the City limits. He points this out due to recent statements that needing water for development outside the City limits is a challenge.

It was the general consensus to grant the requested extension.

#### Review of Lease Holdover – Department of Labor, Licensing and Regulation (DLLR)

Doug Reaser, Economic Development Manager, was present to review a lease holder letter with the State of Maryland.

The Maryland Department of Labor, Licensing and Regulation (DLLR) currently leases approximately 11,140 square feet located at 2-6 N. Potomac Street (Elizabeth Hager Cener) from the City.

The Department of General Services has requested an additional extension of a holdover request of the lease from January 29, 2007. This will be the 3<sup>rd</sup> holdover request as the 6-month term was from August 1, 2023 to January 31, 2024. The new term will be from February 1, 2024 to July 31, 2024. The current rent is \$ 167,100 per year (\$15/ft). The State and the City are acting in good faith and all rental payments are current.

It was the general consensus to approve the requested extension. Formal approval will be included on the January 30, 2024 Regular Session agenda.

#### CITY ADMINISTRATOR'S COMMENTS

*Scott Nicewarner, City Administrator*, previously provided a listing of bills filed during the Legislative Session that could impact Hagerstown. He and Councilmember Perini meet weekly with the City's lobbyist and the Maryland Municipal League Legislative Committee. There are some bills that will need to be discussed during a Work Session. For bills that may be of interest, he can provide the list to the Mayor and City Council and give them the opportunity to comment if they wish to. If the MML Legislative

Committee supports a bill, he doesn't think the City should oppose the bill. If the MML Legislative Committee has stated they have no opinion, the City could support or oppose the bill. He will identify bills of that nature as the session continues. Time will be provided for updates and discussions of bills at each Work Session.

The bills noted this week are as follows:

- HB243                      Property Tax – Tax Sales – Revisions  
MML has taken an opposing position as the legislation severely restricts the municipality's ability to send parcels to tax sale, many of which would be in a blight condition.
- HB283/SB333              Housing and Community Development – Affordable Housing - Identifying Suitable Property  
This bill addresses parcels owned by the State that are no longer in use and outside a priority funding area or does not fit certain requirements as to size/utilities/ingress and egress.
- SB340:                      Property Tax – Credit to Offset Increases in Local Tax Revenue  
This is a property tax credit bill that historically at MML is seen as a “no position”. MML has taken a “no position” stance on this specific bill during committee meetings today.

The Field House request for funding did not make the Governor's Budget. A supplemental budget request was submitted by Delegate Brooke Grossman today. The Highway User Revenue (HUR) was restored to last year's level, at least for the current year. This is a tight budget year. Housing bills for zoning flexibility for affordable middle housing, financing that housing, and renter' rights are creating multiple discussions.

Mr. Nicewarner stated he will assist the Mayor and City Council with reviewing bills and any testimony they wish to provide on those bills.

The Session opened last week, and he and Councilmember Perini attended the reception following the session. Next Tuesday, January 23, 2024 is Washington County Day in Annapolis. He thanked the Mayor and City Council for being willing to change the Regular Session date to accommodate the change in the date. City staff will also be attending and have information booths set up.

The trash collection this week has been delayed in some areas due to the snowstorm on Tuesday.

### **MAYOR AND COUNCIL COMMENTS**

*Councilmember M. J. Schindler* asked for the statistics of recent hotel inspections. He requested that a Work Session item be scheduled for a discussion with staff on what can

be done to set up the City for success for hotels. There will be a lot more visitors in Hagerstown soon and he does not want people visiting and having a bad experience.

Mr. Nicewarner stated this information will be provided. The Mayor and City Council can then offer suggestions and recommendations on how to proceed from this point.

Three Councilmembers agreed to have this discussion.

*Councilmember S. McIntire* had no additional comments.

*Councilmember P. E. Perini, Sr.* thanked staff at the Water and Wastewater Department, specifically Tyler Puffenberger, Deputy Director of Water and Wastewater, and Matt Carr, Water Production Superintendent, for the tour of the facilities. This tour helped him understand how the systems work. There are those in the County saying things and not understanding how the resources are distributed throughout the community.

He attended the Legislative Session opening day. He doesn't think everyone understands what an asset Scott Nicewarner is for the City. There are thousands of bills presented every year and having someone with Mr. Nicewarner's ability to read and understand the bills is so important. He provides good updates to the Mayor and City Council. He encouraged his fellow Council members and the Mayor to attend Day in Annapolis if possible. The City is a constituent to the State. He encouraged the Mayor and Council to testify as constituents.

Mr. Perini stated the community has talked about the need for a new courthouse for many years. The Circuit Court buildings are owned and operated by the County governments. A month before he was sworn in, there was a tragedy in the community with the murder of Judge Andrew Wilkinson. He asked the Mayor and Council members to add an agenda item to a Work Session to discuss how the City can be involved in a potential project for a new courthouse that would be named in memory of Judge Wilkinson. Senator Corderman and Delegate Grossman discussed a new courthouse with Governor Moore today. He realizes the Courts are not the responsibility of the City, but he feels the City should be finding successes and be part of the success stories. It is an important opportunity for the City to pursue. Three Councilmembers agreed to add this topic to a Work Session.

Mr. Perini distributed Flying Boxcar 2024 Season Schedules. Opening day is scheduled for Friday, May 3, 2024.

*Councilmember T. Burnett* had no additional comments.

*Councilmember K. B. Aleshire* had no additional comments.

*Mayor T. A. Martinez* congratulated newly sworn in police officer Matthew River. Washington County's Day in Annapolis is one of her favorite days of the year. This

year's State of the City plan is for a collaborative video telling the City's story. The theme is Hagerstown is Good Ground.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded, and passed, the meeting was adjourned at 5:10 p.m.

Respectfully submitted,

*Original signed by D. K. Spickler*

Donna K. Spickler  
City Clerk

Approved: February 28, 2024